

# **9 FAM 41.81 EXHIBIT I**

## **SYNOPSIS OF USCIS PAMPHLET FOR APPLICANTS FOR K NONIMMIGRANT VISAS AND FAMILY-BASED IMMIGRANT VISAS**

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### **Why are we providing the pamphlet?**

The International Marriage Broker Regulation Act (IMBRA) requires that the United States government provide, to an immigrating fiancé(e) or spouse of a citizen or resident of the United States, an information pamphlet on legal rights and resources for immigrant victims of domestic violence. Immigrants are often afraid to report acts of domestic violence to the police or to seek other forms of assistance. Such fear causes many immigrants to remain in abusive relationships.

IMBRA also provides for the United States government to provide, to an immigrating fiancé(e) or spouse of a U.S. citizen who has a history of criminal or domestic violence, a copy of the citizen's criminal background information.

One of IMBRA's goals is to provide applicants with accurate information about the immigration process and how to access help if a relationship becomes abusive.

### **What is domestic violence?**

The pamphlet provides detailed explanations of the term "domestic violence" and two related offenses, sexual assault and child abuse.

Domestic violence involving current or former partners is a pattern of behavior where one intimate partner or spouse threatens or abuses the other partner or spouse. Abuse may include physical harm, forced sexual relations, emotional manipulation (including isolation or intimidation), and economic and/or immigration-related threats.

Under all circumstances, domestic violence, sexual assault, and child abuse are illegal in the United States. All people in the United States are guaranteed protection from abuse under the law. Any victim of domestic violence can seek help. An immigrant victim of domestic violence may be eligible for immigration protections.

The pamphlet is intended to help you understand U.S. laws regarding domestic violence and how to get help if you need it.

**What are the legal rights for victims of domestic violence in the United States?**

All people in the United States, regardless of immigration or citizenship status, are guaranteed basic protections under both civil and criminal law. Laws governing families provide you with:

- The right to obtain a protection order for you and your child(ren).
- The right to legal separation or divorce without the consent of your spouse.
- The right to share certain marital property. In cases of divorce, the court will divide any property or financial assets you and your spouse have together.
- The right to ask for custody of your child(ren) and financial support. Parents of children under the age of 21 often are required to pay child support for any child not living with them.

**What services are available to victims of domestic violence and sexual assault in the United States?**

In the United States, victims of these crimes can access help provided by government or nongovernmental agencies, which may include counseling, interpreters, emergency housing, and even monetary assistance.

The telephone numbers or “hotlines” listed in the pamphlet have operators trained to help victims 24 hours a day free of charge. Interpreters are available, and these numbers can connect you with other free services for victims in your local area, including emergency housing, medical care, counseling, and legal advice. If you cannot afford to pay a lawyer, you may qualify for a free or low-cost legal aid program for immigrant crime or domestic violence victims.

**What immigration options may be available to a victim of domestic violence, sexual assault, or other crime?**

The pamphlet outlines three ways immigrants who become victims of domestic violence, sexual assault, and some other specific crimes may apply for legal immigration status for themselves and their child(ren): (1) self-petitions for legal status under the Violence Against Women Act (VAWA); (2) cancellation of removal under VAWA; or (3) U nonimmigrant status. Because a victim’s application is confidential, no one - including an abuser, crime perpetrator, or family member - will be told that the victim applied. A victim of domestic violence should consult an immigration lawyer who works with other victims to discuss immigration options that may be available.

**How does the U.S. Government regulate “international marriage brokers”?**

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Under IMBRA, “international marriage brokers” are required to give the foreign national client background information on the U.S. client who wants to contact the foreign national client, including information contained in Federal and State sex offender public registries, and to get the foreign national client’s written permission before giving the U.S. client the foreign national client’s contact information. If you are a foreign national client, the agency is required to give you a copy of the pamphlet. It is prohibited from doing business with individuals who are under 18 years of age.

**Can a K nonimmigrant visa applicant rely on criminal background information that USCIS has compiled on a U.S. citizen fiancé(e) or spouse?**

IMBRA requires the U.S. Government to share any criminal background information on a K nonimmigrant petitioner with the fiancé(e) or spouse who is applying for a K visa as the beneficiary of such a petition. The criminal background information compiled by USCIS comes from various public sources, as well as information provided by the U.S. citizen clients on immigration applications. USCIS does not have access to all criminal history databases in the United States. The U.S. citizen sponsor may not tell the truth in the sponsorship application. It is also possible the U.S. citizen has a history of abusive behavior but was never arrested or convicted. Therefore, the criminal background information an applicant receives may not be complete. The intent of the law is to provide available information and resources to immigrating fiancé(e)s and spouses. Ultimately, you are responsible for deciding whether you feel safe in the relationship.

**Can foreign fiancé(e)s or spouses who are victims of domestic violence also be victims of human trafficking?**

Other forms of exploitation, including human trafficking, can sometimes occur alongside domestic violence, when the exploitation involves compelled or coerced labor, services, or commercial sex acts. The pamphlet contains information on how to obtain help regarding human trafficking.